IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 4097 of 2007(K)

PETITIONERS:

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1. SHIBI T.K., AGED 30 YEARS,
   S/O. KUTTAN, THATTARASSERY HOUSE, NEDUPUZHA P.O.,
   THRISSUR DIST.

2. SANTHOSH T.M., S/O. MATHEW,
   AGED 34 YEARS, KANNARA P.O., PEECHI.

3. AJEESH M.B., AGED 25 YEARS,
   S/O. BABU, MANJADATH HOUSE, KUTTOOR P.O.,PAMBOOR.

4. SHIHABUDHEEN T.S., AGED 25 YEARS,
   S/O. SULAIMAN, THAIPARAMBIL HOUSE, WADAKKANCHERY,
   R.S. P.O.-680 623.

5. SURUMON P.V., AGED 32 YEARS,
   S/O. VELAYUDHAN, PATTATH HOUSE,
   PATHIYARKULANGARA P.O., PARAPOOR (VIA), URAKAM,
   PIN-680 552.

6. RASHEED C.K., AGED 36 YEARS,
   S/O. KOYA, CHEMBRANNUR P.O., P.O. POOTHOLE,
   THRISSUR.

7. NISANTH A.C., AGED 21 YEARS,
   ACHINKARA HOUSE, S/O. CHANDRAN,
   R.S. WADAKKANCHERY (P.O).

8. SIMON V.P., AGED 25 YEARS,
   S/O. POULOSE, VADAKKAN HOUSE, WADAKKANCHERY,
   R.O. P.O.

9. SALAHUDHEEN M.M., AGED 27 YEARS,
   S/O. MUHAMMADALI, MANAMEL HOUSE, MANNUTHY P.O.,
   ARAMKALLU, PIN-680651.

10. SURESH P.A., AGED 32 YEARS,
S/O. AYYAPPAN, PULIKYAL HOUSE, PUTHUKKDU P.O.

11. RENNY THOMAS, AGED 25 YEARS,
S/O. THOMAS, MULLASSERY HOUSE, KALLETTUMKARA P.O.

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.R.REENA

RESPONDENTS:
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1. SOUTHERN RAILWAY,
REPRESENTED BY SENIOR DIVISIONAL COMMERCIAL
MANAGER, COMMERCIAL BRANCH,THIRUVANANTHAPURAM-14.

2. THE STATION MASTER,
SOUTHERN RAILWAY,THRISSUR RAILWAY STATION,THRISSUR

3. SUPERINTENDENT,
THRISSUR RAILWAY STATION, THRISSUR.

BY ADV. SRI.ALEXANDER THOMAS, SC,RAILWAYS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 4097 OF 2007-K

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Dated this the 28th day of February, 2007.

JUDGMENT

Heard.

2. Petitioners were granted licences to act as porters within the premises of the Thrissur Railway Station. This has been done by the Station Master. Such licences issued to them have been terminated acting on instructions from higher authorities. But the stand of the contesting respondents, the Southern Railway is that going by the binding official instructions, applications have to be invited through the Employment Exchange and by publication and there has to be a committee constituted in terms of what is stated in Annexure-R1, which is filed along with the counter-affidavit filed on behalf of the respondents, which includes the involvement of the persons even from the Railways in the selection process. Under such

circumstances, while it may not be proper to direct that the petitioners should be permitted to continue on the basis of the licences granted to them indefinitely, it has also to be noticed that they cannot be treated as persons who have come in by dubious means. It is hence directed that while the respondents will be at liberty to proceed with selection in terms of Annexure-R1 and granting regular permission to such persons as may be selected following such process, the petitioners will be permitted to continue to work as porters until such selection is made and the persons so selected enter the Railway Station as porters. This judgment does not entitle the petitioners to any other reliefs and this judgment is issued under the peculiar facts and circumstances of this case.

The writ petition is disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-